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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/662,139
Filing Date: September 12, 2003
Appellant(s): HADA ET AL.

MAILED
JAN 18 2008
Group 370

Ryan Harris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/30/07 appealing from the Office action mailed 2/6/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,238,284	Huostila	12-1980
3,891,500	Kankaanpaa	6-1975

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13-21, 23, 24, 25, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houstila (4238284) in view of Kankaanpaa (3891500). Kankaanpaa discloses a first fabric for conveying a paper web (21, fig. 1); a through-air dryer comprising a hood surrounding a drying cylinder, the through-air dryer being configured to convey a hot gaseous stream through a paper web traveling over the drying cylinder (23, fig. 1), a throughdrying fabric being wrapped around the drying cylinder of the through-air dryer, the throughdrying fabric forming an endless loop (31, fig. 1); and a transfer roll positioned outside the endless loop of the throughdrying fabric (25, fig. 1), the first fabric and the throughdrying fabric being wrapped around the transfer roll in an overlapping relationship (fig. 1), a rotatable roll (fig. 1), a turning roll located downstream of the transfer roll along the through-air dryer, the throughdrying fabric being wrapped around the turning roll as the fabric leaves the drying cylinder of the through-air dryer, the turning roll in combination with the transfer roll determining the amount the throughdrying fabric is wrapped around the drying cylinder of the through-air dryer (34, fig. 1), a second fabric wrapped around the turning roll in an overlapping relationship with the throughdrying fabric, wherein a paper web is conveyed through the through-air dryer by the throughdrying fabric, is fed in between the throughdrying fabric and the second fabric along the turning roll, and is then transferred to the second fabric (32, fig. 1), the turning roll is positioned outside the endless loop

of the throughdrying fabric (34, fig. 1), a paper web is only in contact with conveying fabrics when conveyed into and out of the through-air dryer (fig. 1), a first transfer fabric configured to convey a paper web to the throughdrying fabric (21, fig. 1), the first transfer fabric converging with the throughdrying fabric at a transfer point (21, 31, fig. 1); and a transfer roll positioned at the transfer point (25, fig. 1), the first transfer fabric and the throughdrying fabric being wrapped around the transfer roll in an overlapping relationship (fig. 1), and wherein a paper web is conveyed on the first transfer fabric (W, fig. 1), fed in between the first transfer fabric and the throughdrying fabric and then transferred to the throughdrying fabric prior to being conveyed around the drying cylinder of the through-air dryer (fig. 1), a tissue making system (col. 1, line 5), a drying cylinder (20, fig. 1), a drying fabric wrapped around at least a portion of the drying cylinder, the throughdrying fabric being in the shape of an endless belt, the endless belt having an upstream end prior to the drying cylinder and a downstream end after the drying cylinder, and (31, fig. 1), a transfer roll positioned at the upstream end of the drying fabric and a turning roll positioned at the downstream end of the drying fabric, the transfer roll and the turning roll being positioned outside the endless loop (25, 34, fig. 1), the transfer fabric is wrapped around the transfer roll in an overlapping relationship with the drying fabric, and wherein a paper web conveyed on the transfer fabric is fed in between the transfer fabric and the drying fabric along the transfer roll and then transferred to the drying fabric (21, W, 31, fig. 1), the transfer fabric is positioned adjacent to the transfer roll (fig. 1), the drying apparatus comprises a through air dryer (fig. 1), the apparatus further comprises a hood surrounding the drying cylinder, the through-air dryer being configured to convey a hot gaseous stream through a paper web passing in between the hood and the drying cylinder (23, fig. 1), a second transfer fabric wrapped around a turning

roll in an overlapping relationship with the throughdrying fabric, wherein a paper web is conveyed through the through-air dryer by the throughdrying fabric, is fed in between the throughdrying fabric and the second transfer fabric along the turning roll, and is then transferred to the second transfer fabric (32, fig. 1). Huostila discloses applicant's invention substantially as claimed with the exception of the transfer roll including a pressurized zone configured to emit a gaseous stream for facilitating transfer of a paper web from the first fabric to the throughdrying fabric, adjacent to the transfer roll, the throughdrying fabric is wrapped around the drying cylinder at least 270, 285, 300, 330, the pressurized zone has a length and wherein the throughdrying fabric is wrapped around the transfer roll so as to substantially cover the entire length of the pressurized zone, the throughdrying fabric separating from the first fabric at about an end of the pressurized zone, the transfer roll further includes a pressurized zone that facilitates transfer of a paper web from the first transfer fabric to the throughdrying fabric, a head box configured to contain an aqueous suspension of papermaking fibers and for depositing the aqueous suspension onto a forming fabric, the pressurized zone has an upstream end, a downstream end, and a length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone, a pressurized zone configured to emit a fluid stream for transferring a web from a transfer fabric to the drying fabric, the transfer roll and the turning roll are positioned such that the throughdrying fabric is wrapped at least 295 around the drying cylinder. Kankaanpaa teaches the transfer roll including a pressurized zone configured to emit a gaseous stream for facilitating transfer of a paper web from the first fabric to the through drying fabric, adjacent to the transfer roll, the throughdrying

fabric is wrapped around the drying cylinder at least 270, 285, 300, 330, the pressurized zone has an upstream end, a downstream end, and a length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone, and wherein the transfer roll includes a pressurized zone configured to emit a fluid stream for transferring a web from a transfer fabric to the drying fabric, the transfer roll and the turning roll are positioned such that the throughdrying fabric is wrapped at least 295 around the drying cylinder (19, fig. 1, col. 4, lines 55-61), the pressurized zone has a length and wherein the throughdrying fabric is wrapped around the transfer roll so as to substantially cover the entire Length of the pressurized zone, the throughdrying fabric separating from the first fabric at about an end of the pressurized zone (15, 6, fig. 1), the transfer roll further includes a pressurized zone that facilitates transfer of a paper web from the first transfer fabric to the through drying fabric (fig. 1), a head box configured to contain an aqueous suspension of papermaking fibers and for depositing the aqueous suspension onto a forming fabric (1, fig. 1), the pressurized zone has an upstream end, a downstream end, and a Length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone (fig. 1) for the purpose of increasing the speed. It would have been obvious to one of ordinary skill in the art to modify Houstila by including the transfer roll including a pressurized zone configured to emit a gaseous stream for facilitating transfer of a paper web from the first fabric to the throughdrying fabric, adjacent to the transfer roll, the pressurized zone has a length and wherein the throughdrying fabric is wrapped around the transfer roll so as to substantially cover the entire

Length of the pressurized zone, the throughdrying fabric separating from the first fabric at about an end of the pressurized zone, the transfer roll further includes a pressurized zone that facilitates transfer of a paper web from the first transfer fabric to the throughdrying fabric, a head box configured to contain an aqueous suspension of papermaking fibers and for depositing the aqueous suspension onto a forming fabric, the pressurized zone has an upstream end, a downstream end, and a Length and wherein the throughdrying fabric is wrapped around the transfer roll over the entire length of the pressurized zone, the throughdrying fabric separating from the transfer fabric at about the downstream end of the pressurized zone, and wherein the transfer roll includes a pressurized zone configured to emit a fluid stream for transferring a web from a transfer fabric to the drying fabric as taught by Kankaanpaa for the purpose of increasing the speed so that the apparatus is more efficient and more product is produced.

(10) Response to Argument

A. Huostila, et al. teaches away from a transfer roll which includes a pressurized zone configured to emit a gaseous stream.

The applicant argues that the prima facie case of obviousness is rebutted if any material respect of the prior art taught away from the invention. The applicant states that the Huostila teaches the use of roller 25 that is equipped with a vacuum zone which is the direct opposite of the transfer roll of Kankaanpaa and the transfer roll of appellants that includes a pressurized zone. The examiner disagrees. The applicant's reliance on the holding of Haruna is not persuasive because substituting a pressurized zone for a vacuum zone does not defeat the purpose of Houstilla, as Houstilla dewateres the web prior to passing it to a flow through drying cylinder. The transfer roller of Kankaanpaa would perform this dewatering or drying step prior

to the through drying cylinder. The transfer roll of Kankaanpaa also assists in drying with the force of the air blast forcing water from the web. (col. 4, lines 20-25). Furthermore, as illustrated in the rejection, the Kankaanpaa reference teaches that the suction roller limits the speed of the apparatus (col. 2, lines 36-44). Therefore, it would have been obvious to one of ordinary skill in the art to modify Huostila with the transfer roll of Kankaanpaa. The applicant has merely substituted one known element for another to obtain predictable results.

B. The proposed modification of Huostila et al. changes a principle of operation of the invention.

In response to applicant's argument that replacing the vacuum roller of Huostila with a roller having a pressurized zone configured to emit a gaseous stream would not dewater the web on the drawing roller, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case the pressurized zone of Kankaanpaa would not only transfer the web to the through air dryer but would assist in the drying of the web as well. (col. 4, lines 20-24) As the secondary reference suggests production speeds could then be increased and more product manufactured. Regarding applicant's comments concerning the pick up felt absorbing by capillary action, it is noted that the features upon which applicant relies (i.e., pick up felt absorbing by capillary action) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

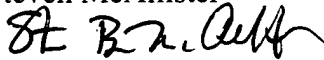
Respectfully submitted,

Kenneth Rinehart

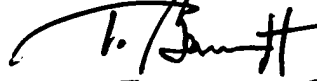

KENNETH RINEHART
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